

# VISA BULLETIN

Number 36 Volume IX

Washington, D.C.

## IMMIGRANT NUMBERS FOR SEPTEMBER 2011

### A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during September. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; U.S. Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible, in chronological order of reported priority dates, for demand received by August 8th. If not all demand could be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. If it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date announced in this bulletin.

2. The fiscal year 2011 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 2011 limit for employment-based preference immigrants calculated under INA 201 is 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620 for FY-2011. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

**FAMILY-SPONSORED PREFERENCES**

**First:** (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

**Second:** Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

**Third:** (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

**Fourth:** (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

<b><u>Family-Sponsored</u></b>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01MAY04	01MAY04	01MAY04	15MAR93	01NOV96
F2A	01DEC08	01DEC08	01DEC08	22SEP08	01DEC08
F2B	01JUL03	01JUL03	01JUL03	01NOV92	22MAR01
F3	22AUG01	22AUG01	22AUG01	22NOV92	15MAY92
F4	15APR00	15APR00	15APR00	22MAR96	08JUL88

\*NOTE: For September, F2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 22SEP08. F2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 22SEP08 and earlier than 01DEC08. (All F2A numbers provided for MEXICO are exempt from the per-country limit; there are no F2A numbers for MEXICO subject to per-country limit.)

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

**EMPLOYMENT-BASED PREFERENCES**

**First:** Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

**Second:** Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

**Third:** Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "\*Other Workers".

**Fourth:** Certain Special Immigrants: 7.1% of the worldwide level.

**Fifth:** Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

<u>Employment-Based</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	15APR07	15APR07	C	C
3rd	22NOV05	15JUL04	08JUL02	22NOV05	22NOV05
Other Workers	01AUG05	22APR03	01JUN02	01AUG05	01AUG05
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers and Pilot Programs					

\*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

6. The Department of State has a recorded message with visa availability information which can be heard at: (202) 663-1541. This recording is updated on or about the tenth of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This resulted in reduction of the DV-2011 annual limit to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For September, immigrant numbers in the DV category are available to qualified DV-2011 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		
AFRICA	CURRENT	Except:	Ethiopia 32,700
ASIA	CURRENT		
EUROPE	CURRENT	Except:	Uzbekistan UNAVAILABLE
NORTH AMERICA (BAHAMAS)	CURRENT		
OCEANIA	CURRENT		
SOUTH AMERICA, and the CARIBBEAN	CURRENT		

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2011 program ends as of September 30, 2011. DV visas may not be issued to DV-2011 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2011 principals are only entitled to derivative DV status until September 30, 2011. DV visa availability through the very end of FY-2011 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN OCTOBER

For October, immigrant numbers in the DV category are available to qualified DV-2012 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		Except:
AFRICA	8,500		Egypt 5,000 Ethiopia 7,000 Nigeria 7,000
ASIA	8,000		
EUROPE	8,500		
NORTH AMERICA (BAHAMAS)	3		
OCEANIA	300		
SOUTH AMERICA, and the CARIBBEAN	400		

D. DIVERSITY VISA LOTTERY 2012 (DV-2012) RESULTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2012 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available \*50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 100,021 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first \*50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2012 numbers will be used during fiscal year 2012 (October 1, 2011 until September 30, 2012).

Applicants registered for the DV-2012 program were selected at random from 14,768,658 qualified entries (19,672,268 with derivatives) received during the 30-day application period that ran from noon on October 5, 2010, until noon, November 3, 2010. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact U.S. Citizenship and Immigration Services for information on the requirements and procedures. Once the total \*50,000 visa numbers have been used, the program for fiscal year 2012 will end. Selected applicants who do not receive visas by September 30, 2012 will derive no further benefit from their DV-2012 registration. Similarly, spouses and children accompanying or following to join DV-2012 principal applicants are only entitled to derivative diversity visa status until September 30, 2012.

Only participants in the DV-2012 program who were selected for further processing have been notified. Those who have not received notification were not selected. They may try for the upcoming DV-2013 lottery if they wish. The dates for the registration period for the DV-2013 lottery program are expected to be widely publicized at some point during the coming months.

\* The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV-2000.

The following is the statistical breakdown by foreign-state chargeability of those registered for the DV-2012 program:

**AFRICA**

ALGERIA 1,799	ETHIOPIA 4,902	NIGERIA 6,024
ANGOLA 42	GABON 48	RWANDA 333
BENIN 511	GAMBIA, THE 113	SAO TOME AND PRINCIPE 0
BOTSWANA 7	GHANA 5,832	SENEGAL 270
BURKINA FASO 226	GUINEA 899	SEYCHELLES 6
BURUNDI 56	GUINEA-BISSAU 3	SIERRA LEONE 3,397
CAMEROON 3,374	KENYA 4,720	SOMALIA 175
CAPE VERDE 9	LESOTHO 8	SOUTH AFRICA 833
CENTRAL AFRICAN REP. 3	LIBERIA 2,101	SUDAN 757
CHAD 33	LIBYA 136	SWAZILAND 0
COMOROS 9	MADAGASCAR 17	TANZANIA 175
CONGO 105	MALAWI 16	TOGO 845
CONGO, DEMOCRATIC REPUBLIC OF THE 3,445	MALI 76	TUNISIA 113
COTE D'IVOIRE 553	MAURITANIA 29	UGANDA 418
DJIBOUTI 38	MAURITIUS 59	ZAMBIA 79
EGYPT 4,664	MOROCCO 1,890	ZIMBABWE 123
EQUATORIAL GUINEA 4	MOZAMBIQUE 13	
ERITREA 670	NAMIBIA 10	
	NIGER 32	

**ASIA**

AFGHANISTAN 109	IRAQ 153	NEPAL 3,258
BAHRAIN 29	ISRAEL 175	OMAN 11
BANGLADESH 2,373	JAPAN 435	QATAR 19
BHUTAN 5	JORDAN 152	SAUDI ARABIA 217
BRUNEI 0	NORTH KOREA 0	SINGAPORE 45
BURMA 370	KUWAIT 108	SRI LANKA 708
CAMBODIA 596	LAOS 1	SYRIA 160
HONG KONG SPECIAL ADMIN. REGION 54	LEBANON 274	TAIWAN 391
INDONESIA 256	MALAYSIA 118	THAILAND 73
IRAN 4,453	MALDIVES 0	TIMOR-LESTE 9
	MONGOLIA 209	UNITED ARAB EMIRATES 92
		YEMEN 149

**EUROPE**

ALBANIA 1,508	HUNGARY 325	NORWAY 84
ANDORRA 1	ICELAND 56	PORTUGAL 66
ARMENIA 998	IRELAND 213	Macau 19
AUSTRIA 130	ITALY 529	ROMANIA 1,327
AZERBAIJAN 304	KAZAKHSTAN 434	RUSSIA 2,353
BELARUS 493	KOSOVO 137	SAN MARINO 1
BELGIUM 105	KYRGYZSTAN 321	SERBIA 298
BOSNIA & HERZEGOVINA 83	LATVIA 83	SLOVAKIA 80
BULGARIA 883	LIECHTENSTEIN 0	SLOVENIA 16
CROATIA 107	LITHUANIA 258	SPAIN 232
CYPRUS 26	LUXEMBOURG 8	SWEDEN 200
CZECH REPUBLIC 104	MACEDONIA 160	SWITZERLAND 229
DENMARK 73	MALTA 20	TAJIKISTAN 270
ESTONIA 49	MOLDOVA 1,238	TURKEY 3,077
FINLAND 91	MONACO 3	TURKMENISTAN 143
FRANCE 574	MONTENEGRO 18	UKRAINE 5,799
French Polynesia 7	NETHERLANDS 149	UZBEKISTAN 4,800
New Caledonia 1	Aruba 4	VATICAN CITY 0
GEORGIA 620	Curacao 19	
GERMANY 1,709	St. Maarten 2	
GREECE 105	NORTHERN IRELAND 59	

**NORTH AMERICA**

BAHAMAS, THE 15

**OCEANIA**

AUSTRALIA 900	NAURU 5	TONGA 93
Christmas Islands 3	NEW ZEALAND 309	TUVALU 0
Cocos Island 1	Cook Islands 6	VANUATU 8
FIJI 628	Niue 14	WESTERN SAMOA 9
KIRIBATI 14	PALAU 5	
MARSHALL ISLANDS 4	PAPUA NEW GUINEA 0	
MICRONESIA, FEDERATED STATES OF 2	SAMOA 0	
	SOLOMON ISLANDS 0	

**SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN**

ANTIGUA AND BARBUDA 9	DOMINICA 18	SAINT LUCIA 4
ARGENTINA 101	GRENADA 24	SAINT VINCENT AND THE GRENADINES 16
BARBADOS 25	GUYANA 26	SURINAME 15
BELIZE 9	HONDURAS 80	TRINIDAD AND TOBAGO 175
BOLIVIA 84	NICARAGUA 49	URUGUAY 19
CHILE 43	PANAMA 21	VENEZUELA 925
COSTA RICA 43	PARAGUAY 17	
CUBA 292	SAINT KITTS AND NEVIS 7	

*Natives of the following countries were not eligible to participate in DV-2012: Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R. and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.*

E. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs publishes the monthly Visa Bulletin on their website at [www.travel.state.gov](http://www.travel.state.gov) under the Visas section. Alternatively, visitors may access the Visa Bulletin directly by going to:

[http://www.travel.state.gov/visa/bulletin/bulletin\\_1360.html](http://www.travel.state.gov/visa/bulletin/bulletin_1360.html).

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The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

**VISABULLETIN@STATE.GOV**

(This address cannot be used to subscribe to the Visa Bulletin.)

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